Panaji, 7th November, 1996 (Kartika 16, 1918)

OFFICIAL GAZETTE GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Election

Office of the Chief Electoral Officer

Notification

3-1-87/ELEC-Vol.-III

The following Notification No. 56/96 (16) dated 12-9-96 issued by the Election Commission of India, New Delhi is hereby published for general information.

D. N. Kamble, Asstt. Chief Electoral Officer.

Panaji, 20th September, 1996.

Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

12-9-1996

Dated:-

21 Bhadra, 1918 (Saka)

Notification

No. 56/96 (16).— Whereas, the Election Commission of India has reviewed the poll performance of (i) Tamil Maanila Congress (Moopanar), (ii) Kerala Congress and (iii) Revolutionary Socialist Party at the general elections to Lok Sabha and State Legislative Assemblies held in April - May, 1996, in terms of para 6 and 7 of the Election Symbols (Reservation and Allotment) Order, 1968;

And Whereas, on such review, the Election Commission of India is satisfied that the (i) Tamil Maanila Congress (Moopanar), a recognised State Party in Tamil Nadu has become eligible for recognition as State Party in Pondicherry also on the basis of said party's poll performance at the general election to Legislative Assembly of Pondicherry,

(ii) Revolutionary Socialist Party, a recognised State Party in the State of West Bengal and Tripura, has become eligible for recognition as State Party in Kerala also on the basis of said party's poll performance at the general election to Lok Sabha from Kerala and (iii) Kerala Congress, a registered un-recognised party, has become eligible for recognition as State Party in Kerala on the basis of party's poll performance at the general election to Legislative Assembly of Kerala, in terms of para 6(2) of the Election Symbols (Reservation and Allotment) Order, 1968;

And Whereas, the Election Commission of India has decided to recognise the said Tamil Maanila Congress (Moopanar) as State Party in Pondicherry, Revolutionary Socialist Party as State Party in Kerala and Kerala Congress as State Party in the State of Kerala and to reserve the symbols "Bicycle", "Spade and Stoker" and "Bicycle" respectively for the said parties in the respective States;

Now, therefore, in pursuance of clauses, (b), (c) and (d) of sub-paragraph (1), and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India hereby makes the following further amendments to its Notification No. 56/96/JUD. II, dated 5th February, 1996, published as O. N. 11(E), dated 5-2-96 in the Gazette of India, Extraordinary, Part-II, Section 3 (iii), and as amended from time to time, namely:—

I. In Table II of the said notification,-

(1) against the entry "Kerala" in column (2), the following entries shall be inserted in columns (3), (4) and (5) respectively, after the existing entries in those columns:—

"4. Revolutionary Socialist Party Spade and Stoker 37, Ripon Street (Muzzaffar Ahmed Sarani) Calcutta-700016, West Bengal

5. Kerala Congress

Bicycle

State Committee Office, Near Star Theatre Junction, Kottayam South, Kerala

- (2) against the entry "Pondicherry" in column (2), the following entries shall be inserted in columns (3), (4) and (5) respectively, after the existing entries in those columns:—
- "3. Tamil Maanila

Congress (Moopanar) Bicycle

Satyamurthy Bhavan, General Patters Road, Madras-600 002"

- II. In Table III of the said notification, the entries under columns (1) and (2) relating to "Kerala Congress" mentioned at S. No. 236 shall be deleted;
- III. In Table IV of the said notification-
 - (1) against "11-Kerala" in column (1), the entry "6-Bicycle" specified in column (2) shall be deleted;
 - (2) against "32-Pondicherry" in column (1), the entry "12-Bicycle" specified in column (2) shall be deleted.

By order,

GHANSHYAM KHOHAR Secretary

Department of Law and Judiciary

Legal Affairs Division

Notification

10/5/96/LA

The Sick Textile Undertakings (Nationalisation) (Amendment) Act, 1995 (Central Act 40 of 1995), which has been passed by Parliament and assented to by the President of India on 8th September, 1995 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 9th September, 1995 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 26th February, 1996.

THE SICK TEXTILE UNDERTAKINGS (NATIONALISATION) AMENDMENT ACT, 1995

AN ACT

to amend the Sick Textile Undertakings (Nationalisation). Act, 1974 and the Swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986.

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Sick Textile Undertakings (Nationalisation) Amendment Act, 1995.

- (2) It shall be deemed to have come into force on the 27th day of June, 1995.
- 2. Amendment of Act 57 of 1974.— In the Sick Textile Undertakings (Nationalisation) Act, 1974, after section 11, the following section shall be inserted, namely:—
- "11A Special provision for disposal of assets of the sick textile undertakings in certain circumstances.— If the National Textile Corporation considers it necessary or expedient for the better management, modernisation, restructuring or revival of a sick textile undertaking so to do, it may, with the previous sanction of the Central Government, transfer, mortgage, sell or otherwise dispose of any land, plant, machinery or any other assets of any of the sick textile undertakings:

Provided that the proceeds of no such transfer, mortgage, sale or disposal shall be utilised or any purpose other than the purpose for which the sanction of the Central Government has been obtained."

- 3. Amendment of Act 30 of 1986.— In the Swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986, after section 10, the following section shall be inserted, namely:—
- "10A. Special provision for disposal of assets of the textile undertakings in certain circumstances.— If the National Textile Corporation considers it necessary or expedient for the better management, modernisation, restructuring or revival of a textile undertakings so to do, it may, with the previous sanction of the Central Government, transfer, mortgage, sell or otherwise dispose of any land, plant, machinery or any other assets of any of the textile undertakings:

Provided that the proceeds of no such transfer, mortgage, sale or disposal shall be utilised for any purpose other than the purpose for which the sanction of the Central Government has been obtained."

- 4. Repeal and saving.— (1) The Sick Textile Undertakings (Nationalisation) Amendment Ord. 7 of Ordinance, 1995, is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Sick Textile Undertakings (Nationalisation) Act, 1974 and the Swadesi Cotton 57 of 1974. Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986, as amended by the 30 of 1986. Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

Notification

10/5/96/LA-Vol. I

The Building and Other Construction Workers' Welfare Cess Third Ordinance, 1996 (Ordinance No. 26 of 1996) which

has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 20th June, 1996 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law)

Panaji, 9th September, 1996.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 20th June, 1996/Jyaistha 30, 1918 (Saka)

THE BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE CESS THIRD ORDINANCE, 1996

No. 26 of 1996

Promulgated by the President in the Forty-seventh Year of the Republic of India.

An Ordinance to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction Workers' Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996.

Whereas the Building and Other Construction Workers' Welfare Cess Ordinance, 1995, was promulgated by the President on the 3rd day of November, 1995;

And Whereas the Building and Other Construction Workers' Welfare Cess Bill, 1995 was introduced in the House of the People to replace the said Ordinance, but had not been passed;

And Whereas, for giving continued effect to the provisions of the said Ordinance with certain modifications, the Building and Other Construction Workers' Welfare Cess Ordinance, 1996 was promulgated by the President on the 5th day of January, 1996;

And Whereas, for giving continued effect to the provisions of the Building and Other Construction Workers' Welfare Cess Ordinance, 1996, the Building and Other Construction Workers' Welfare Cess Second Ordinance, 1996 was promulgated by the President on the 27th day of March, 1996;

And Whereas the said Bill has lapsed on the dissolution of the House of the People;

And Whereas the Bill to replace the said Building and Other Construction Workers' Welfare Cess Ordinance, 1996 has not yet been passed;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the Building and Other Construction Workers' Welfare Cess Second Ordinance, 1996;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

- 1. Short title, extent and commencement.—(1) This Ordinance may be called the Building and Other Construction Workers' Welfare Cess Third Ordinance, 1996.
 - (2) It extends to the whole of India.
- (3) It shall be deemed to have come into force on the 3rd day of November, 1995.
- 2. Definitions.— In this Ordinance, unless the context otherwise requires,—
 - (a) "Board" means a Building and Other Construction Workers' Welfare Board constituted by a State Government under sub-section (1) of section 18 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996;
 - (b) "Fund" means the Building and Other Construction Workers' Welfare Fund constituted by a Board;
 - (c) "prescribed" means prescribed by rules made under this Ordinance;
 - (d) words and expressions used herein but not defined and defined in the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996 shall have the meanings respectively assigned to them in that Ordinance.
- 3. Levy and collection of cess.— (1) There shall be levied and collected a cess for the purposes of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996, at such rate not exceeding one per cent. of the cost of construction incurred by an employer, as the Central Government may, by notification in the Official Gazette, from time to time, specify.
- (2) The cess levied under sub-section (1) shall be collected from every employer in such manner and at such time, including deduction at source in relation to a building or other construction work of a Government or of a public sector undertaking or advance collection through a local authority where an approval of such building or other construction work by such local authority is required, as may be prescribed.
- (3) The proceeds of the cess levied under sub-section (1) shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Boards from time to time out of such proceeds such sum of money as it

may think fit for being utilised for the purposes of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996, and to the State Governments such sum of money, not exceeding one per cent. of the amount collected, towards the cost of collection of such cess.

- (4) Notwithstanding anything contained in sub-section (1) or sub-section (2), the cess leviable under this Ordinance including payment of such cess in advance may, subject to final assessment to be made, be collected at a uniform rate or rates as may be prescribed on the basis of the quantum of the building or other construction work involved.
- 4. Furnishing of returns.— (1) Every employer shall furnish such return, to such officer or authority, in such manner and at such time as may be prescribed.
- (2) If any person carrying on the building or other construction work, liable to pay the cess under section 3, fails to furnish any return under sub-section (1), the officer or the authority shall give a notice requiring such person to furnish such return before such date as may be specified in the notice.
- 5. Assessment of cess.—(1) The officer or authority to whom or to which the return has been furnished under section 4 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the employer.
- (2) If the return has not been furnished to the officer or authority under sub-section (2) of section 4, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of cess payable by the employer.
- (3) An order of assessment made under sub-section (1) or sub-section (2) shall specify the date within which the cess shall be paid by the employer.
- 6. Power to exempt.— Notwithstanding anything contained in this Ordinance, if the Central Government is satisfied that it is necessary or expedient so to do in the public interest, it may, by notification in the Official Gazette and subject to such conditions, if any, as may be specified therein, exempt any employer or class of employers from the payment of the cess payable under this Ordinance for such building or other construction work as may be specified in such notification.
- 7. Power of entry.— Any officer or authority of the State Government specially empowered in this behalf by that Government may—
 - (a) with such assistance, if any, as he or it may think fit, enter at any reasonable time any place where he or it considers it necessary to enter for carrying out the purposes of this Ordinance including verification of the correctness of any particulars furnished by any employer under section 4;
 - (b) do within such place anything necessary for the proper discharge of his or its duties under this Ordinance; and
 - (c) exercise such other powers as may be prescribed.
- 8. Interest payable on delay in payment of cess.— If any employer fails to pay any amount of cess payable under section

- 3 within the time specified in the order of assessment, such employer shall be liable to pay interest on the amount to be paid at the rate of two per cent. for every month or part of a month comprised in the period from the date on which such payment is due till such amount is actually paid.
- 9. Penalty for non-payment of cess within the specified time.— If any amount of cess payable by any employer under section 3 is not paid within the date specified in the order of assessment made under section 5, it shall be deemed to be in arrears and the authority prescribed in this behalf may, after such enquiry as it deems fit, impose on such employer, a penalty not exceeding the amount of cess:

Provided that before imposing any such penalty, such employer shall be given a reasonable opportunity of being heard and if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

- 10. Recovery of amount due under the Ordinance.— Any amount due under this Ordinance (including any interest or penalty) from an employer may be recovered in the same manner as an arrear of land revenue.
- 11. Appeals.— (1) Any employer aggrieved by an order of assessment made under section 5 or by an order imposing penalty made under section 9 may, within such time as may be prescribed, appeal to such appellate authority in such form and in such manner as may be prescribed.
- (2) Every appeal preferred under sub-section (1) shall be accompained by such fees as may be prescribed.
- (3) After the receipt of any appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.
- (4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.
- 12. Penalty.— (1) Whoever, being under an obligation to furnish a return under this Ordinance, furnishes any return knowing, or having reason to believe, the same to be false shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both.
- (2) Whoever, being liable to pay cess under this Ordinance, willfully or intentionally evades or attempts to evade the payment of such cess shall be punishable with imprisonment which may extend to six months or, with fine, or with both.
- (3) No court shall take cognizance of an offence punishable under this section save on a complaint made by or under the authority of the Central Government.
- 13. Offences by Companies.— (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in

charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.
- 14. Power to make rules.— (1) The Central Government may, by notification in the Official Cazette, make rules for carrying out the provisions of this Ordinance.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (a) the manner in which and the time within which the cess shall be collected under sub-section (2) of section 3;
 - (b) the rate or rates of advance cess leviable under sub-section (4) of section 3;
 - (c) the particulars of the returns to be furnished, the officer or authority to whom or to which such returns shall be furnished and the manner and time of furnishing such returns under sub-section (1) of section 4;
 - (d) the powers which may be exercised by the officer or authority under section 7;
 - (e) the authority which may impose penalty under section 9;
 - (f) the authority to which an appeal may be filed under sub-section (1) of section 11 and the time within which and the form and manner in which such appeal may be filed
 - (g) the fees which shall accompany an appeal under sub-section (2) of section 11; and
 - (h) any other matter which has to be, or may be, prescribed.
- (3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before each House of

Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15. Repeal and saving.— (1) The Building and Other Construction Workers' Welfare Cess Ord. 16 of Second Ordinance, 1996, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall bedeemed to have been done or taken under the corresponding provisions of this Ordinance.

SHANKER DAYAL SHARMA,

K. L. MOHANPURIA, Secv., to the Govt. of India.



Department of Panchayat Raj and Community Development

Directorate of Panchayats

Notification

17/28/DP/ACT-AUDIT/95

Corrigendum

The Forms Nos. 1 to 11 prescribed in the draft rules of the Goa Panchayat (Accounts, Audit and Custody of Funds) Rules, 1995 published in Official Gazette, Series - I, No. 23 dated 7-9-1995, which were not published earlier are now published for the information of the persons likely to be affected thereby and notice is hereby given that the said forms will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Corrigendum in the Official Gazette.

All the objections and suggestions to the said forms may he forwarded to the Development Commissioner, Government of Goa, Panchayat Raj and Community Development, Secretariat Panaji before the expiry of fifteen days from the date of publication of this Corrigendum in the Official Gazette

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 4th October, 1996.

FORM No.

[See Rule 20, clause (i)]

Proforma for General Ledger - Abstract Register

Receipt

Expenditure

@ Item

Date	Short Particulars	Amount	14. 1	C. B. Folio		Progressive	Total	
1 -	2	. 3		4		5	 6	

@ According to the classification of minor items under Budget.

FORM No. 2

[See Rule 20, clause (ii)]

Proforma for Control Ledger - Abstract Register

Receipt

Group of Item

Expenditure

Month	Short Particulars	100-	Amount	Progréssive	Total	1 1-7
(1)	(2)	•	(3)	(4)	(5)	. 0

FORM No. 3

[See Rule 20, clause (iii)]
Cash Book
For the year......19

		RECEIPTS			EXPENDITUI	RE
Date	Particulars (full details with refe- rence to etc.) any receipt		ifica- Ledger Folio n	Date Particulars (full details of claims scheme)	Amount Total	Classifica- Ledger Folio tion
<u>(1)</u>	(2)	(3) (4) (5	(6)	(7) (8)	(9) (10)	(11) (12)

FORM No. 4

[See Rule 20 clause (iv)]

Receipt

Receipt Book No.	•			• :				ter.	-						- x		÷ . :				. 1	Rece	ipt N	lo.	
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Instructions covering the use of Form 4:—

- (a) Each Receipt Book shall have a Serial number, and each receipt which shall be in duplicate for use with carbon paper, shall have a serial number within the book. Both Book number and Receipt number shall be machine numbered on each receipt, whether orginal or duplicate.
- (b) The Seal of the Panchayat shall be affixed to each Receipt before it is issued. The carbon copy shall be retained and the original issued.

FORM No. 5

[See rule 20, clause (v)]

Register of Receipt Book

Sr. No. of Entry	Date	Sr. No. of Sr. No. of Signature of Date of Balance quantity of receipt each receipt receipt person to return of book in stock book received in the whom issued receipt book
		into stock book with date and other New Used (give one line for each book).
(1)	(2)	(3) (4) (5) (6) (7) (8)

FORM No. 6

[See rule 20, clause (v)]

Register of Properties and Assets

. (Sr. No. of Entry	Date of Acquisi-	Or cifuated	Certifi-
-		tion	Date Amount Signature relevant	icate of verifi- cation
-	(1)	(2)	(3) (4) (5) (6) (7) (8) (9)	(10)

FORM No. 7

[See rule 20, clause (vi)]

Assessment Register

Sr. No.	Name of the Tax Payer	House No. of the tax payer	Name of	Tax Amounted Assessed	Name of	Tax Amount Assessed		Additional column according	Total	Remarks
	<u> </u>						. .	to the No. of taxes.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)	(9)	(10)

Form No. 8 [See Rule 20 Clause (vi)]

Demand and Collection Register

4.7	Yearwise Demand and the amount collected	
Reference Sr. No. in the Register of Assessment	Previous year). Total Tax payable col. (2+3) Amount paid Receipt No. and date. Total Tax payable col. (6+7) Amount paid Receipt No. and date. Amount paid Receipt No. and date. Amount paid Receipt No. and date. Arears of Tax (B/F from previous year).	Total tax payable col. (10+11) Amount paid Receipt No. and dafe. Arrears of Tax. Pp. s. Total Tax payable col. (14+15) Amount paid Receipt No. and date.
	2 3 4 3 6 7 8 9 10 11	12 13 14 15 16 17 18

Annual

Form No. 9 [See Rule 20, clause (vii)] Register of conditional Grants sanctioned during the year

	Sr. No. and date	By whom	Purpose Pe for wi	riod Amount thin of the	No. and date of Treasury voucher	Amount spent by Panchayat	
· .	sanction.	sanc- tioned.	given to	nch grant	on which the amount is drawn	No. and Amount Balance date of drawn after each Voucher Transactio	-
1	2	. 3	4 5	6 .	7.	8 9 .10	

Form No. 10

[See Rule 21, clause (a)]

Acc Monthly	ount of Income and Expenditure of
Particulars of Income	Amount Particulars of Expenditure Amount
Income Closing of the last month year Budget Heads	Expenditure Closing of the current wonth year Budget Heads

Form No. 11 [See Rule 25, clause (i)] Budget for a Panchayat Fund

							100	- 1	2	D. L.	
Receipts	Sanc-	Actuals	Sanc-	Actuals Budget	Expen- Current	Ensu- Sanc-	Actuals	Sanc-	Estimate	Budget	
Receipts		of the	tioned	of the estimate		ing tioned	of the	tioned	actuals	estimate	
	tioned		esti-	current of		vear estimate	previ-	estimate	of the	of	, t
	estimate		mate of		v 1	of the	ous	of the	current	ensuing	* :
	of the	year	the			previous	vear	current	year	year	
	previous		current	year			year	year.	J var		• •
	year.		vear			year.		ycar.			· ·
			J Cul	F	. 7 8	9 10	11.	12	13	14	15

- 1. Opening balance
- 2. Grants from Government
 - (1) Special
 - (2) General
- 3. Other Grants
 - (1) Local authorities
 - (2) Private
- 4. Proceeds of taxes, fees, etc. under section 39 of the Regulation. Proceeds of other loans etc.
- Sale proceeds
- 7. Extraordinary receipts

- 1. Administration
- 2. Sanitation and Public Health and Family Welfare.
- 3. Public Works
- 4. Planning and Development.
- 5. Social Welfare.
- 6. Education and Culture
- Rural Housing
- 8. Drinking water
- 9. Poverty alleviation Programme.
- 10. Libraries.
- 11. Rural Sanitation
- 12. Construction and maintenance of slaughter houses/cattle pounds
- 13. Miscelfaneous